

DRAFT

CITY OF BURLINGTON
Committee of the Whole Minutes
Robert Miller, Mayor
Beverly R. Gill, City Clerk
December 7, 2010

1. CALL TO ORDER/ROLL CALL

Mayor Bob Miller called the meeting to order at 6:30 p.m. starting with roll call. Aldermen present: Bob Prailes, Peter Hintz, Jim Prailes, Steve Rauch, Jeff Fischer, Katie Simenson Excused: Ed Johnson Alderman Vos arrived at 6:35 p.m.

High School Students Present: Lauren Nadolski Absent: David Martin

Also present: City Administrator Kevin Lahner, City Attorney John Bjelajac, Police Chief Peter Nimmer, Treasurer Steve DeQuaker, Department of Public Works Director Connie Wilson, Building Inspector Patrick Scherrer, Tom Foht of Kapur Engineering and Utility Rate Consultant Mr. John Mayer

2. CITIZENS COMMENTS AND QUESTIONS

Mr. Mark Zelenski of 225 East Market Street (apartment building), commented that there appears to be too many people occupying some of the apartments. He was also concerned with cars being parked in the fire lanes and with additional parking lanes that were spray-painted to erroneously reflect additional parking.

3. MINUTES FROM NOVEMBER 16, 2010

A motion was made by Fischer with a second by Hintz to approve the November 16, 2010 Committee of the Whole Minutes. With all in favor, the motion carried.

4. DISCUSSION REGARDING CONVERTING EAST STATE STREET FROM PINE STREET TO DODGE STREET TO ONE-WAY AND TO RELOCATE THE DODGE STREET POST OFFICE DROP BOXES

Mayor Miller introduced the topic for discussion.

Foht discussed the possibility of using Chandler Avenue for a drop site, but that location was not without problems. Foht would be more in favor of placing the mailboxes on the post office property. He stated that he had not spoken to the postmaster but would like to schedule a meeting with him and Lahner.

Simenson did not understand why the city was so opposed to creating a one-way street in that area.

Mr. Andy Endl, 232 South Perkins Boulevard suggested the short block on Washington by the parking structure as another possible location.

It was the recommendation of council to invite the postmaster to attend the first council meeting in January for further discussion.

5. OVER VIEW AND DISCUSISON OF THE PROPOSED RADIUM TREATMENT FACILITIES FOR WELL NO. 9 AND WELL NO. 10

Mayor Miller introduced the topic for discussion.

Vos questioned the reasoning for two buildings on Well Site No. 9. Mayer explained that the water needed to be treated before it left the site which is the reason for the second building.

Simenson inquired why there were two different colors used on the buildings at Well Site No. 10. Mayer stated that his objective was to create a building that would blend into the subdivision.

6. **RESOLUTION 4447(31) "A RESOLUTION TO CONSIDER APPROVING A SALE AND REDEVELOPMENT AGREEMENT WITH CRAIG FAUST FOR 824 MILWAUKEE AVENUE"**

Mayor Miller introduced Resolution 4447(31) to the council for discussion.

Rauch questioned if there would be a cap on the cost of the removal of contaminated soil. Atty. Bjelajac reminded council members that the city will always be the "responsible party" for the remediation of this property.

Vos wondered what portion of the 13.2 acre site would be considered developable. He remembered a very large portion of that area being the city dump. Lahner replied that the land would be divided into three parcels. The front portion consisting of four acres would be developed and the back portion donated to ChocolateFest with the third portion located across the street to be held for future development.

Simenson commented that the city should pursue any grants to help with the remediation cost.

Fischer asked if the city had any expectation of the cost of the remediation. Lahner replied that in his opinion it could be done for a hundred thousand dollars or less. Fischer also questioned if the city couldn't legally cap the remediation cost to the sale amount.

Simenson questioned who would receive the money from the cell tower rent. Lahner said the city would continue to receive the money. Simenson also questioned the ChocolateFest payment of twelve thousand dollars which is made annually to the city and the fact the contract would still be in effect for several years. She felt that ChocolateFest should reimburse the city for the outstanding years and she wanted more information on the parcel known as Lot #3 which is where the transfer station is now located.

Simenson questioned the use of Fidelity Title for closing the land agreement when we have a city attorney on staff. Atty. Bjelajac stated that it would be more economical to have the title company handle the transaction.

Simenson also brought up the fact that former Mayor Claude Lois who is now associated with Bear Realty was involved with marketing the DPW building before he left office. She felt he had an unfair advantage over other local realtors as well as benefitting from other downtown redevelopment projects. She said that one thing that she has heard repeatedly is that citizens do not like the methods that have been used in the past.

At this time Atty. Bjelajac stated that he did not feel the agreement offered protection for the city, but wording could be added to protect the city.

Simenson discussed another option of just razing the building and seeing what develops at a later date.

Fischer was concerned with the number of financial unknowns for the city and was not comfortable with that situation.

Andy Endl, 232 South Perkins Boulevard commented that it was like giving a blank check to go along with this agreement.

Because any development would have to be brought before the Plan Commission, Lahner stated that the city would have some control over what would be constructed and the placement of any buildings. Lahner felt that this was a very good deal for the city.

The mayor stated that they could renegotiate the deal as many of the aldermen were not comfortable with the unknown financial burden to the city.

This resolution is scheduled for the December 7, 2010 Common Council meeting.

7. RESOLUTION 4449(33) "A RESOLUTION TO CONSIDER APPROVING THE 2011 ANNUAL BUDGET"

Mayor Miller introduced Resolution 4449(33) to the council for discussion.

Simenson stated that she could not vote in favor of this deficit budget.

Fischer questioned the comparables of contracting with an outside company vs. city employees doing the same work. He further questioned if benefits had been taken into consideration. Lahner stated that the benefits had not been part of the formula.

Vos stated that the city has to take into consideration the cost of equipment replacement.

This resolution moves to this evening's council meeting.

8. RESOLUTION 4450(34) "A RESOLUTION TO CONSIDER APPROVING CHANGE ORDER NUMBER FOUR WITH WANASEK CORPORATION FOR THE 2010 SIDEWALK IMPROVEMENT PROGRAM"

The mayor introduced Resolution 4450(34). There were no comments.

This resolution will be addressed at the December 21st Common Council Meeting.

9. ORDINANCE 1915(18) "AN ORDINANCE TO CONSIDER AMENDING THE OFFICIAL TRAFFIC MAP BY CREATING A 35 MPH SPEED LIMIT ON SOUTH PINE STREET FROM DUNFORD DRIVE TO THE BYPASS"

Nadolski questioned if this change was for safety reasons. The mayor replied that the city needs to officially adopt this ordinance so the speed limit can be enforced.

This ordinance will be addressed at this evening's council meeting.

10. ORDINANCE 1916(19) "AN ORDINANCE TO CONSIDER AMENDING THE OFFICIAL TRAFFIC MAP BY CREATING A 45 MPH SPEED LIMIT ON MILWAUKEE AVENUE FROM TEUT ROAD TO CTH W"

Fischer questioned if this also was related to a safety issue. The mayor stated it was more of a consistency issue.

This ordinance will be addressed at this evening's council meeting.

11. ADJOURN

A motion was made by Bob Prailes with a second by Rauch to adjourn the meeting. With all in favor, the meeting adjourned at 8:57 p.m.

Beverly R. Gill
City Clerk
City of Burlington
Racine and Walworth Counties